



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 10, 1996

Ms. Detra Hill
Assistant City Attorney
Supervisor, Criminal and Police Division
Office of the City Attorney
City Hall
Dallas, Texas 75201

OR96-0015

Dear Ms. Hill:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 37561.

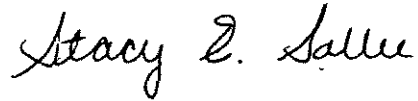
The City of Dallas (the "city") received a request for three 911 telephone calls. You have submitted for our review an audiotape of the requested telephone calls. You claim that the requested information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claimed and have reviewed the audiotape at issue.

Section 552.108(a) excepts from required public disclosure all information related to cases under active investigation, except certain basic information ordinarily appearing on the first page of an offense report and in other records of law enforcement. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). You inform us that the requested audiotape is a record that the city's police department is using in its ongoing investigation of a murder case. After reviewing the 911 audiotape you seek to withhold, we conclude that it is excepted under section 552.108(a). The city may withhold the requested audiotape from disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Stacy E. Sallee".

Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 37561

Enclosures: Submitted audiotape

cc: Ms. Sharon Kiel
Attorney
6757 Arapaho Road, Suite 711-393
Dallas, Texas 75248
(w/o enclosures)